

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DEQUARIUS D. FITZPATRICK,

Plaintiff,

v.

Case No. 24-CV-961

REBECCA FRISCH, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Dequarius D. Fitzpatrick, who is representing himself, is proceeding on an Eighth Amendment deliberate indifference claim against Defendants Rebecca Frisch and Jay Howarth in connection with a self-harm incident at the Green Bay Correctional Institution on July 18, 2021. Dkt. Nos. 1 & 7. Discovery closed May 5, 2025; and dispositive motions are due June 3, 2025. Dkt. No. 13.


On May 6, 2025, Plaintiff filed a motion for extension of the scheduling order, along with a motion to compel discovery. Dkt. Nos. 17 & 18. Plaintiff asks the Court to extend the discovery deadline to July 20, 2025 and the dispositive motions deadline to August 20, 2025. Dkt. No. 17. Plaintiff states that Defendants' have "repeated[ly] delay[ed] in providing several discovery documents." *Id.* Plaintiff also asks the Court to compel Defendants to produce certain videos. Dkt. No. 18. Defendants filed a response on May 14, 2025 indicating that they do not oppose the motion to extend the scheduling order, and they will need an extension of the dispositive motions deadline anyway due to a scheduling conflict, but that they have produced all videos that exist. Dkt. No. 19. They explain that the videos Plaintiff wants—including footage of him in the cell

prior to and after the extraction—do not exist. *Id.* Defendants cannot produce what does not exist; therefore, the Court will deny the motion to compel. Additionally, the Court will grant in part and deny in part the motion for extension of the scheduling order. The Court will grant the motion to extend the dispositive motions deadline because both parties requested an extension. But because there appears to be no outstanding discovery, and Plaintiff has not explained what additional discovery he wants or would ask for, there is no need to extend the discovery deadline. Accordingly, the Court will deny the motion to extend the discovery deadline.

IT IS THEREFORE ORDERED that Plaintiff's motion for extension of the scheduling order (Dkt. No. 17) is **GRANTED in part and DENIED in part**. The motion to extend the dispositive motions deadline is granted and the deadline is **EXTENDED to July 3, 2025**. The motion to extend the discovery deadline is denied.

IT IS FURTHER ORDERED that Plaintiff's motion to compel (Dkt. No. 18) is **DENIED**.

Dated in Milwaukee, Wisconsin this 22nd day of May, 2025.



STEPHEN C. DRIES
United States Magistrate Judge